

# **STATE PERSONNEL BOARD CALENDAR**



**DECEMBER 4, 2007**

**SAN FRANCISCO, CA**

**State of California**

**Memorandum**

**DATE:** November 21, 2007

**TO:** ALL INTERESTED PARTIES

**FROM:** STATE PERSONNEL BOARD – Executive Office

**SUBJECT:** Notice and Agenda for the **December 4, 2007**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on December 4, 2007, at Grand Hyatt Hotel, located at 345 Stockton Street, San Francisco, California, 94108, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item. Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the December 4, 2007, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429, TDD (916) 654-2360, or the Internet at: [www.spb.ca.gov/calendar.htm](http://www.spb.ca.gov/calendar.htm).

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

A handwritten signature in cursive script, appearing to read "April Partington".

April Partington  
Secretariat's Office

Attachment



**CALIFORNIA STATE PERSONNEL BOARD**

801 Capitol Mall • Sacramento, California 95814 • [www.spb.ca.gov](http://www.spb.ca.gov)

ARNOLD SCHWARZENEGGER, Governor



**CALIFORNIA STATE PERSONNEL BOARD MEETING<sup>1</sup>**

801 Capitol Mall  
Sacramento, California

Public Session Location – 345 Stockton Street  
San Francisco, CA 94108

Closed Session Location – 345 Stockton Street  
San Francisco, CA 94108

**FULL MONTH BOARD MEETING – DECEMBER 4, 2007**

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<sup>1</sup> Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

**FULL MONTH BOARD MEETING AGENDA<sup>2</sup>**

**December 4, 2007**  
9:00 a.m. – 12:30 p.m.  
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(9:00 a.m. – 9:30 a.m.)**

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose**
- 3. REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS)**  
**- Maeley Tom**
- 4. REPORT OF THE CHIEF COUNSEL – Elise Rose**
- 5. NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

- 6. REPORT ON LEGISLATION – Sherry Evans**

The Board may be asked to adopt a position with respect to the bills listed on the attached legislation memorandum.

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<sup>2</sup> The Agenda for the Board Meetings can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

**CLOSED SESSION OF THE STATE PERSONNEL BOARD PURSUANT TO  
COPELY PRESS, INC. v. SUPERIOR COURT (2006) 39 CAL. 4<sup>TH</sup> 1272**

**(9:30 a.m. – 10:00 a.m.)**

**7. ORAL ARGUMENT**

In the matter of **CASE NO. 06-3014PA** Appeal from official reprimand.  
Correctional Sergeant. Department of Corrections and Rehabilitation.

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(10:00 a.m. – 10:30 a.m.)**

**8. ORAL ARGUMENT**

In the matter of **CASE NO. 06-1413PA**. Appeal from five percent reduction in  
salary for six months. Registered Nurse. Department of Corrections and  
Rehabilitation.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**(10:30 a.m. – 10:45 a.m.)**

**9. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND  
OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(10:45 a.m. – 11:15 a.m.)**

**10. ORAL ARGUMENT**

In the matter of **PERSONAL SERVICES CONTRACT NO. 07-04**. Appeal from Executive Officer's disapproval of Personal Services Contract for Psychological Services. Department of Mental Health.

**(11:15 a.m. – 11:30 a.m.)**

**11. INFORMATIONAL BRIEFING – VETERAN'S PREFERENCE POINTS**  
- **California State Personnel Board Staff**

Board staff will provide a brief update to the five-member Board and interested parties concerning awarding veterans preference points in the examination process.

**(11:30 a.m. – 11:45 a.m.)**

**12. INFORMATIONAL BRIEFING – RULE OF THREE RANKS**  
- **California State Personnel Board Staff**

Board staff will provide a brief update to the five-member Board and interested parties concerning under what circumstances eligibility may be comprised of only three ranks.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**(11:45 a.m. – 12:15 p.m.)**

**13. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**14. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (c) (3), and 18653.]

**15. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California

United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.

Sacramento Superior Court Case No. 07CS00461

**16. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**17. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(12:15 p.m. – 12:30 p.m.)**

**18. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF  
DECEMBER 18, 2007, IN SACRAMENTO, CALIFORNIA**

**BOARD ACTIONS:**

**19. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF  
OCTOBER 22, 2007 AND NOVEMBER 5, 2007**

**20. EVIDENTIARY CASES - (See Case Listings on Pages 10-16)**

- 21. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Agenda on Pages 23-24)**
- 22. NON-EVIDENTIARY CASES - (See Case Listings on Pages 16-20)**
- 23. NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE**

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**



**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**24. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**25. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Operations Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**NONE**

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF DEPUTY DIRECTOR, OFFICE OF GANG AND YOUTH VIOLENCE POLICY**

The Governor's Office of Emergency Services' request to allocate the above position has been approved effective October 25, 2007.

**SPECIAL ASSISTANT, INSPECTOR GENERAL**

The Office of the Inspector General's request to allocate the above position has been approved November 9, 2007.

**CHIEF, PLANNING AND PROJECT MANAGEMENT BRANCH**

The Department of Public Health's request to allocate the above position has been approved effective November 9, 2007.

**DEPUTY DIRECTOR OF BUSINESS PLANNING**

The California Lottery's request to allocate the above position has been approved November 9, 2007.

**DEPUTY DIRECTOR OF OPERATIONS**

The California Lottery's request to allocate the above position has been approved effective November 9, 2007.

**26. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**27. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE**

**28. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**29. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Pages 21-22)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

**A D J O U R N M E N T**

## 20. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

### A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

#### (1) **CASE NO. 05-1007EA**

Appeal from denial of discrimination complaint

**Classification:** Outside contractor

**Department:** Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

#### (2) **CASE NO. 06-2010A**

Appeal from medical termination

**Classification:** Administrative Support Coordinator II

**Department:** California State University, Los Angeles

Proposed decision rejected May 8, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

#### (3) **CASE NO. 05-1043P**

Appeal from dismissal

**Classification:** Tax Counsel, Range D

**Department:** Board of Equalization

Petition for rehearing granted June 5, 2007.

Transcript prepared.

Oral argument heard October 9, 2007, Sacramento.

Case ready for decision by FULL Board.

**(4) CASE NO. 07-003 (b)**

Appeal from Executive Officer's disapproval of contract

**Classification:** Janitorial Services

**Department:**

Petition for rehearing granted May 8, 2007.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

**(1) CASE NO. 06-3014A**

Appeal from official reprimand

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

**(2) CASE NO. 06-1413A**

Appeal from five percent reduction in salary for six months

**Classification:** Registered Nurse

**Department:** Department of Corrections and Rehabilitation

**(3) PSC No. 07-04**

Appeal from Executive Officer's disapproval of Personal Services Contract for Psychological Services

**Department:** Department of Mental Health

**C. CHIEF COUNSEL RESOLUTIONS**

**(1) Chief Counsel Resolution PSC 06-03**

Appeal by the Department of the California Highway Patrol/Inter-Con Security Services, Inc., and SEIU, Local 1000, from Executive Officer Decision Disapproving Contract for Security Guard Services.

Resolution placing PSC No. 06-03 in abeyance, and scheduling three new cost savings personal services contracts for security guard services, entered into between the Department of the California Highway Patrol, Inter-Con Security Services, Inc., International Protective Services, Inc., and Securitas, for hearing before an Administrative Law Judge.

**COURT REMANDS**

This case has been remanded to the Board by the court for further Board action.

**NONE**

**STIPULATIONS**

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) CASE NO. 06-2706**  
Appeal from dismissal  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation
- (2) CASE NOS. 07-1230 & 07-1337**  
Appeals from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- (3) CASE NO. 06-3234**  
Appeal from five percent reduction in salary for sixteen months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- (4) CASE NO. 05-2075E**  
Appeal from denial of reasonable accommodation/disability discrimination complaint  
**Classification:** Associate Information Systems Analyst  
**Department:** Department of Transportation

- (5) **CASE NO. 06-4338**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- (6) **CASE NO. 06-3650**  
Appeal from dismissal  
**Classification:** Motor Vehicle Technician  
**Department:** Department of Motor Vehicles
- (7) **CASE NO. 05-0099E**  
Appeal from whistleblower retaliation complaint  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- (8) **CASE NO. 06-1386**  
Appeal for reinstatement from disability retirement  
**Classification:** Accounting Officer (Specialist)  
**Department:** Department of Transportation
- (9) **CASE NO. 05-1890**  
Appeal from demotion  
**Classification:** Professor  
**Department:** San Jose State University, San Jose
- (10) **CASE NO. 07-1498**  
Appeal from dismissal  
**Classification:** Staff Psychiatrist  
**Department:** Department of Corrections and Rehabilitation
- (11) **CASE NO. 07-0042**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- (12) **CASE NO. 07-1473**  
Appeal from ten percent reduction in salary for six months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- (13) **CASE NO. 05-3555**  
Appeal from dismissal  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation

**(14) CASE NO. 04-2685E**

Appeal from denial of sexual harassment complaint

**Classification:** Senior Legal Typist

**Department:** Department of Insurance

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**

**(15) CASE NO. 06-1760R**

Appeal from five percent reduction in salary for an indeterminate period of time

**Classification:** Associate Governmental Program Analyst

**Department:** Department of Motor Vehicles

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

**NONE**

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

**(1) CASE NO. 06-2727P**

Appeal from dismissal

**Classification:** Officer

**Department:** Department of California Highway Patrol

**(2) CASE NO. 05-1879P**

Appeal from rejection during probationary period

**Classification:** Fire and Life Safety Officer I

**Department:** Department of General Services



**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**NONE**

**F. PENDING BOARD REVIEW**

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

**(1) CASE NO. 06-3534A**

Appeal from constructive medical termination

**Classification:** Psychiatric Technician Assistant

**Department:** Department of Developmental Services

Proposed decision rejected June 19, 2007.

Transcript prepared.

**(2) CASE NO. 06-3014PA**

Appeal from official reprimand

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.

Transcript prepared.

Pending oral argument October 9, 2007, Sacramento.

Oral argument continued.

Pending oral argument December 4, 2007, San Francisco

**(3) CASE NO. 07-0850A**

Appeal from non-punitive termination

**Classification:** Clinical Social Worker

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007.

Pending transcript.

- (4) **CASE NO. 05-3327A**  
Appeal from dismissal  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.  
Transcript prepared.

- (5) **CASE NO. 06-1413PA**  
Appeal from five percent reduction in salary for six months  
**Classification:** Registered Nurse  
**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted August 7, 2007.  
Transcript prepared.  
Pending oral argument December 4, 2007, San Francisco.

## 22. NON-EVIDENTIARY CASES

### A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

#### WITHHOLD FROM CERTIFICATION CASES HEARD BY A STAFF HEARING OFFICER

NONE

#### WITHHOLD FROM CERTIFICATION CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 06-3242N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; omitting information, failing to meet legal obligations, and fraud.

- (2) **CASE NO. 06-3163N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; negative law enforcement contacts and omitting pertinent information.
- (3) **CASE NO. 06-2235N**  
**Classification:** Medical Technical Assistant  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; illegal use of prescription drugs, negative law enforcement contacts and a negative employment and credit history
- (4) **CASE NO. 06-2585N**  
**Classification:** CHP Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; underage drinking, driving under the influence and supplying alcohols to minors.
- (5) **CASE NO. 06-3141N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; negative law enforcement contacts.
- (6) **CASE NO. 06-2065N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; illegal drug activity.
- (7) **CASE NO. 06-3164N**  
**Classification:** CHP Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; negative employment history.
- (8) **CASE NO. 06-0669N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; failure to fulfill legal obligations and omitting pertinent information.
- (9) **CASE NO. 06-1474N**  
**Classification:** Legal Analyst  
**Department:** California Department of Justice  
**Issue:** Was the appellant's name appropriately withheld from certification on the Legal Analyst eligibility list?

- (10) **CASE NO. 06-1849N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; felony conviction.
- (11) **CASE NO. 06-3131N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; firearm prohibition.
- (12) **CASE NO. 06-2747N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; illegal drug activity.
- (13) **CASE NO. 06-3088N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; job termination within one year of the CDCR application.

**DISMISSED CASES**

NONE PRESENTED

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

- (1) **CASE NO. 06-1703N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** The appellant demonstrated a history of poor judgment and logical reasoning deficits, personality traits that would significantly interfere with the performance standards for state peace officer employment under G.C. § 1031(f).

- **CASE NO. 07-0434**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation
- **CASE NO. 07-2833**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation

**C. EXAMINATION APPEALS**  
**MINIMUM QUALIFICATIONS**  
**MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**NONE**

**D. RULE 211 APPEALS**  
**RULE 212 OUT OF CLASS APPEALS**  
**VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

- (1) **CASE NO. 06-3993N**  
**Classification:** Behavior Specialist I and Community Liaison Representative  
**Department:** State Personnel Board  
**Issue:** Pursuant to Rule 211, the appellant is requesting approval from the SPB's Executive Officer to take a state examination after having been dismissed from state service.
- (2) **CASE NO. 06-4220N**  
**Classification:** Structural Steel Painter  
**Department:** California State Personnel Board  
**Issue:** Pursuant to Rule 211, the appellant is requesting approval from the SPB's Executive Officer to take a state examination after having been dismissed from state service.

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

**(1) CASE NO. 06-0533N**

**Classification:** GED Teacher

**Department:** California Department of Corrections & Rehabilitation

**Issue:** The charging party requests that charges be filed against the charged party for violations of various subsections of Government Code, section 19572.

**(2) CASE NO. 06-1356N**

**Classification:** Public Utilities Regulatory Analyst III

**Department:** California Public Utilities Commission

**Issue:** The charging parties request charges be filed against the charged party for violations of various subsections of Government Code § 19572.

**PETITIONS FOR REHEARING CASES**

**NONE**

**SUBMITTED**

1. **TEACHER STATE HOSPITAL (SEVERELY), ETC.**  
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)
2. **VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**  
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)
3. **TELEVISION SPECIALIST (SAFETY)**  
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)
4. **HEARING – Personal Services Contract #04-03**  
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)
5. **HEARING**  
Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)
6. **HEARING – PROPOSED AMENDMENTS TO REGULATIONS CONCERNING PROCEDURES THAT APPLY TO COST SAVINGS PERSONAL SERVICES CONTRACTS UNDER GOVERNMENT CODE SECTION 19130(a)** (Hearing held July 10, 2007.)
7. **CASE NO. 05-4007EA**  
Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held July 10, 2007.)

8. **CASE NO. 06-3023A.** Appeal from ten percent reduction in salary for three months. Psychiatric Technician. Department of Corrections and Rehabilitation. (Oral argument held on August 7, 2007.)
9. **CASE NO. 06-2010A.** Appeal from medical termination. Administrative Support Coordinator II. California State University, Los Angeles. (Oral argument held on August 7, 2007.)
10. **PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract. Department of Health Services.
11. **CASE NO. 07-1969** Appeal from 5 day suspension. Officer. California Highway Patrol.
12. **CASE NO. 06-4585E** Appeal from denial of reasonable accommodation. Staff Services Manager II. Commission on Teacher Credentialing.
13. **HEARING**  
Proposed establishment of the Lifeguard (Permanent Intermittent) classification, with a six month probationary period and designation of the class as sensitive for the purpose of pre-employment drug testing. (Hearing held November 5, 2007).



**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*



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(Cal. 12/04/07)

TO: Members  
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry A. Evans'.

Sherry A. Evans  
Director of Legislation

**STATE PERSONNEL BOARD  
NON-HEARING CALENDAR  
RE: BOARD DATE DECEMBER 4, 2007**

(Cal. 12/04/07)

**MEMO TO** : STATE PERSONNEL BOARD  
**FROM** : MIKE STRAZZO, Merit Operations Division  
**SUBJECT** : Non-Hearing Calendar Items for Board Action

**Page**

**NONE PRESENTED**

(Cal. 12/04/07)

**MEMO TO :** STATE PERSONNEL BOARD  
**FROM :** MIKE STRAZZO, Merit Operations Division  
**SUBJECT :** Staff Calendar Items for Board Information

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**NONE PRESENTED**